

**TOWN OF NORTHFIELD
BOARD OF SELECTMEN
Minutes of March 13, 2006**

- I. **ROLL CALL:** Selectboard Chair Donald Wallace, Selectmen Melvin Adams, Michael D. Demasi, Ken Johnson, and Roger LeClair. Also present were Town Manager Nanci Allard, Dolores Barrows, Linda Barrows, Bernard Byrne, Mary Comiskey, Robert Cruickshank, Brenda Cruickshank, James Wilson, Dominic Falzarano, Ron Lyon (Dubois & King), Town Attorney Glenn C. Howland (McKee, Giuliani, & Cleveland), Zoning Administrator Stephen Hatch, Lauren Goodrich (Trans-Video), Ryan Robertson (Trans-Video), and Acting Clerk Kenneth McCann.

A Public Hearing for the purpose of interested members of the public to review and comment upon proposed rezoning requested by Norwich University (from Recreation A to Urban Residential) was warned to immediately precede the Selectboard's regular meeting.

Chair Wallace called the Public Hearing to order at 7:00 p.m. He then opened the floor to any member of the public who wished to comment upon the proposed rezoning.

James Wilson had a procedural question: the warning for this public hearing stated that the Planning Commission had approved Norwich University's rezoning request at their regular meeting of February 20, 2006. Mr. Wilson stated that he had been present at that meeting and did not recall a vote taking place. He asked if this was reflected in the meeting minutes. Manager Allard distributed copies of the minutes which, upon review, did not indicate a formal vote. Ron Lyon from Dubois & King, Inc. (the engineering firm employed by Norwich University for this project) stated that his recollection was that there had been a unanimous vote for approval. Selectman Adams opined that the minutes may be incomplete. Manager Allard stated that she had contacted Planning Commission Chair David Tucker on this matter and he stated that no objection to the rezoning had been expressed at the meeting. She noted that the Planning Commission will hold their next regular meeting in one (1) week (03/20/06). Selectman Johnson suggested that as there was some confusion over whether or not a formal vote was taken, perhaps it would be best to postpone the Selectboard's own formal approval until the next regular meeting (03/27/06), by which time the Planning Commission will have had the opportunity to meet and take a formal vote. The Board agreed to this suggestion.

Mr. Lyon then displayed some overhead photographs of the affected area. He stated that Norwich University's intention is to build dormitories on the site so that additional civilian students can be housed on campus. Norwich University contacted the Planning Commission in order to rezone the recreational area along logical boundaries and allow contiguous expansion of the campus. After review, the Planning Commission approved their request with only a few minor changes (such as increasing the "buffer area" near Mount Hope Cemetery).

In response to questions regarding landscaping and the set back from the cemetery, Chair Wallace indicated that such matters would be resolved through "Conditional Use Permits" and need to go to the Planning Commission for approval (with public hearings beforehand).

Mr. Wilson noted that the revised Zoning Regulations recently approved by the Planning Commission and Selectboard had specifically prohibited development in designated recreation areas. He was concerned that allowing this particular rezoning would create a precedent for the non-protection of Northfield's recreation areas.

As there were no additional comments, Chair Wallace closed the Public Hearing at 7:20 p.m. The regular Selectboard meeting then commenced.

II. ORGANIZATIONAL MEETING OF THE BOARD

- a. **Election of Vice-Chair.** Motion by Selectman Demasi, seconded by Selectman LeClair, to appoint Melvin Adams as Vice Chair. **Motion passed 5-0-0.**
- b. **Election of Chair.** Motion by Selectman LeClair, seconded by Selectman Demasi, to appoint Donald Wallace as Chair. **Motion passed 4-0-1, with Selectman Wallace abstaining.**
- c. **Committee Appointments (Inter-Local Agreement, Highway Standards, etc.).** Chair Wallace stated that in the absence of a list of these committees, this item would be postponed until the next regular meeting.
- d. **Meeting Schedule.** Without objection, the Board will continue to meet at 7:00 p.m. on the second and fourth Mondays of each month.
- e. **Official Newspaper(s).** Motion by Selectman Adams, seconded by Selectman LeClair, to designate the Northfield News, the Barre-Montpelier Times Argus, and the Washington World as the official newspapers for the Town of Northfield. **Motion passed 5-0-0.**

III. APPROVAL OF MINUTES

- a. **February 27, 2006 (Regular Meeting).** Motion by Selectman Demasi, seconded by Selectman LeClair, to approve the minutes. **Motion passed 3-0-2, with Selectmen Adams and Johnson abstaining.**

IV. APPROVAL OF BILLS

- a. **Warrant #18-06.** Motion by Selectman LeClair, seconded by Selectman Adams, to approve Warrant #18-06 in the amount of \$44,729.68. **Motion passed 5-0-0.**

V. PUBLIC PARTICIPATION: None.

VI. MANAGER'S REPORT

- a. **Town/Village Merger.** Manager Allard noted that a non-binding resolution passed at Town Meeting requesting the formation of committee to develop an action plan for Town/Village Merger. This committee would be expected to report to the Selectmen and Village Trustees within nine (9) months. Chair Wallace stated that he would look into scheduling a Joint Board Meeting in the near future with the Trustees so that this committee could be formed. Selectman Demasi stated that he felt that the indicated timeframe was too brief for this task but he concurred on the need for some action on this matter.
- b. **Status Reports: Various Projects.** Manager Allard had nothing to add.

VII. SELECTBOARD

- a. **Rezoning Approval (Norwich University Request).** As discussed previously, the formal vote on this matter was postponed until the next regular meeting.
- b. **2006 Liquor License Renewal Applications**
 - 1. **Northfield Country Club.** Motion by Selectman LeClair, seconded by Selectman Johnson, to renew the Northfield Country Club's First Class Liquor License. **Motion passed 5-0-0.**
 - 2. **Rustic Restaurant.** Motion by Selectman Demasi, seconded by Selectman Adams, to renew the Rustic Restaurant's First Class Cabaret License. **Motion passed 5-0-0.**
 - 3. **South Village Mobil.** Motion by Selectman LeClair, seconded by Selectman Adams, to renew South Village Mobil's Second Class Liquor License. **Motion passed 5-0-0.**

c. State Tax Appeal Decisions: Approval for Refunds

1. **Caroline & Casey Gillespie.** Motion by Selectman Johnson, seconded by Selectman LeClair, to approve this property tax appeal refund in the amount of \$1,027.07. Selectman Johnson asked if this would be treated as a credit for the next tax payment or if there would be immediate payment. He was informed that a check would be sent as soon as possible. **Motion passed 5-0-0.**
2. **Merry Kay Shernock.** Motion by Selectman Johnson, seconded by Selectman LeClair, to approve this property tax appeal refund in the amount of \$4,089.99. Manager Allard noted that it was the Listers' recommendation that the Selectboard consider further appeal to the State on this matter. Town Attorney Glenn Howland suggested that any further discussion of this matter should be held in executive session as this involved potential litigation. Motion by Selectman Demasi, seconded by Selectman Adams, to table this matter until the Selectboard has the opportunity to discuss this legal matter in executive session with the Town Manager and the Town Attorney. **Motion passed 5-0-0.**

d. Status Reports: Various Projects. The Selectmen had nothing to add.

VIII. PUBLIC PARTICIPATION: Non-agenda items. There was none.

IX. EXECUTIVE SESSION. Motion by Selectman Demasi, seconded by Selectman LeClair, to go into executive session in order to discuss a legal matter (Shernock Property Tax Appeal) with the Town Manager and Town Attorney. **Motion passed 5-0-0.**

The Board went into executive session at 7:45 p.m.

Motion by Selectman Demasi, seconded by Selectman Johnson, to come out of executive session. **Motion passed 5-0-0.**

The Board came out of executive session at 8:30 p.m.

Motion by Selectman Demasi, seconded by Selectman LeClair, to take off the table the earlier motion to approve the Merry Kay Shernock property tax appeal refund in the amount of \$4,089.99. **Motion passed 5-0-0. Original motion failed 0-5-0.**

Motion by Selectman Adams, seconded by Selectman Johnson, to authorize Town Attorney Glenn Howland to file an intent to appeal to the State regarding the Merry Kay Shernock property tax assessment decision. **Motion passed 5-0-0.**

Motion by Selectman Demasi, seconded by Selectman LeClair, to authorize Town Attorney Glenn Howland to file an appeal with the Vermont Supreme Court on the appraisals of the Vermont Housing Authority and The Housing Foundation, Inc. properties. **Motion passed 5-0-0.**

X. ADJOURNMENT. Motion by Selectman Demasi, seconded by Selectman LeClair, to adjourn. **Motion passed 5-0-0.**

The Board adjourned at 8:46 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

These minutes are subject to approval at the next scheduled meeting.